

1895-013 Chancery Causes: Sallie A. Bailey by & vs. J. S. Bailey  
Lee Co.

Barron, Ely

CA-Divorce

T-Vices



Duncan, Mathews & Maynor, Attorneys-at-Law, Big Stone Gap, Va.

To the Honorable H.S.K. Morison, Judge of the circuit court of Lee County, Va.;

Your oratrix, who sues by her next friend, J.P. Barron, humbly complaining, would respectfully show unto your Honor, that on the <sup>25<sup>th</sup></sup> day of July 1891 she was legally married to one J.S. Bailey, and that one child was born of that marriage, named <sup>Janette</sup> ~~Maynor~~ Bailey, which is now living with your oratrix, and is <sup>4 months</sup> years old; That shortly after her marriage in this state in the county of Wise, she, with her husband moved to the county of Harland in the state of Kentucky, and that for a short time they lived happily together, but that her said husband, the said J.S. Bailey, seemed to soon grow tired of the love and affection and society of your oratrix, and began to associate with low and lewd women, and as your oratrix is informed, believed and charges lived in adultery, open and gross lewdness with them. and still continues to do so.

Your oratrix would further show unto your honor that she has at all times been a true and loving wife, but that as soon as she became convinced that her said husband was untrue to his marriage vows, and was degrading her by living and associating with low and lewd women.

~~she left him, and has ever since refused to live with him, as a wife~~  
nor <sup>has</sup> she in any other way condoned his offense.

Your orator would further show unto your Honor that more than twelve months ago, and before the bringing of this suit, and as soon as she left her said husband, she returned to her mothers in the county of Lee in the state of Virginia, where she has since lived.

Your oratrix further avers and charges that there is no fraud or collusion between her and her said husband for the purpose of this suit or any other for the purpose of obtaining a divorce a vinculo matrimonii.

Your oratrix, would further show unto your Honor that her maiden name was Sallie A. Barron, and that she desires to be restored to the same; that she has ample property to provide and take care of and educate her said child; that the said J. S. Bailey is a person unfit for the care and custody of an infant of tender years

# That her said husband well fully abandoned her in the latter part of the year 1891 and has never lived with her since as man and wife; In fact, shortly after committing the act of adultery, of which your oratrix is informed, believed and charges obtained a divorce in one of the Courts of Oklahoma in the Indian Territory



Nor has the said J.S.Bailey any property in this state known to your oratrix out of which he could take care of and support the said infant child, or out of which alimony might be decreed:

The premises considered, the prayer of your oratrix is that upon hearing of this case that she be granted a decree dissolving the bonds of matrimony now existing between her and the said J.S.Bailey; that she be restored to her maiden name of Sallie A. Barron; and that she be decreed the care and custody of the said infant child, Margaret Jannette Bailey; that the said J.S.Bailey be made a party defendant to this Bill and that he be required to answer the same upon oath; and all such other and further, general and special relief as to equity belongs and is suited to his cause; and as in duty bound she will ever pray &c.

Duncan, Mathews & Maynor P.Q.



Wyatt C 7.12

Per 5.00

M C 3.68

14 15.00

Sepo 2.25-

\$38.05

Samuel Bailey by re

15

Bills in

Chy

J. S. Bailey

1893 1<sup>st</sup> Febry Rules Bill  
filed order Pub. against  
Defendant & continued

" 2<sup>nd</sup> Febry Rules order Pub.  
Completed & D. W. si

" 1<sup>st</sup> March Rules taken  
last Monday in Febry  
D. W. Confil & Cause  
set for hearing by  
Plaintiff

" June Term Contd

" Nov Term Contd

1894 March " "

" June " "

" Nov " "

1895 March " "

" June Term Decree

" final See Chy order

" Book Page 197

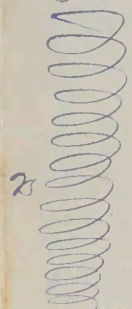






And the objects of this week having  
been accomplished, it is ordered that  
the same be struck from the docket.

James Wm Bailey



Decree final

John S Bailey

O.B.

Page 197

Enter this decree  
this 4<sup>th</sup> day of June 1890

M. L. M.



The deposition of M G Ely taken  
before H C Jeezyn, a Justice of the  
Peace in and for Lee County at  
the office of M G Ely in the Town  
of Jonesville Lee County Va on the  
3rd day of June 1895 to be read on behalf  
of the plaintiff in a certain suit  
pending in the ~~same~~ Circuit Court  
of Lee County Va on the Chancery side  
thereof in which Sannie Ann Bailey  
is plaintiff and John S Bailey is defendant  
Present.

Wm S Hatcher, atty for Plaintiff

1 Q Please state your name, age, occupa-  
tion and place of residence?

Ans. I am 29 yrs. old, attorney at Law, residence Beck  
Spring Va.

2 Q State if you are acquainted with the  
plaintiff and defendant in this suit  
and if so, state if you know of any acts  
of ~~infidelity~~ <sup>adultery</sup> on the part of the defendant  
with a woman other than his wife?

Ans. I am acquainted with them, and as to knowing of  
any acts of adultery on the part of defendant, I only  
know from what I have heard him say, I have heard  
him speak of having sexual intercourse with other  
woman than his wife during the time they lived  
together, I also saw him at one time in company  
with a woman at Harlan C. H., who had then



reputation of being a base and bad woman  
he went with her to a hotel and went up  
stairs with her, this occurrence happened when  
his wife was in Va. on a visit, I am satisfied  
that these acts of <sup>the</sup> defendant were done without  
the consent or connivance of Mrs. Bailey, knowing  
her as I do I do not think defendant is a fit person to be  
entrusted with the education and care of a female child,  
And further this I point out with not;

M. G. Ely

Virginia Lee County To-wit:

I Henry B. Goslyn a Justice of the  
Peace in and for the County and  
State aforesaid. do Certify that  
the foregoing deposition of M.  
G. Ely. was taken, sworn to  
and Subscribed before me at  
the time and place, and for  
the purposes in the Caption mentioned  
written under my hand this 3<sup>d</sup>.  
day of June 1895.

H. B. Goslyn J. P.



Sarah Ann Bailey  
3 K position  
3 M. W. Ely

John S. Bailey  
Received from W. S. to  
Joselyn the Justice  
before whom taken  
& filed June the 3rd  
1898  
A. B. Munsey Clerk

J. R. Lee 75 cts  
Pd. by W. S. Mathews.  
A. B.



The depositions of R P Barron  
and others taken at the office  
of Mathews & Maynor in the  
town of Big Stone Gap. Lee County  
Virginia on the 1<sup>st</sup> day of June  
1895 to be read verbatim of the  
plaintiff in a certain suit in  
chancery pending in the Circuit  
Court of Lee County Virginia  
wherein Sannie Ann Bailey is  
plaintiff and John S Bailey  
is defendant:

Present:

John Mathews, attorney for plaintiff  
Sannie Ann Bailey a witness of  
lawful age, being first duly  
sworn deposes and says

1<sup>st</sup> Question

Please state your age, occupa-  
tion and present place of residence  
ans: - age 25. School teacher, and at present  
live at Big Stone Gap Va

2<sup>nd</sup> Question -

Please state if you were a  
resident of Lee County Va. at the time  
of the institution of this suit, and  
if so how long had you resided therein  
before this suit was brought

ans - I did live in Lee County where  
this suit was brought and had live  
there one year before I brought this  
suit.



3 Question -

are you the plaintiff in this  
suit?

ans: yes Sir, I am.

4 Q.

When were you married?

ans: July 15<sup>th</sup> 1891. To John S Bailey  
5 Q. ~~When~~ How long have you separated  
from your husband, & so at what  
time.

ans- We finally separated about the 1<sup>st</sup> May  
1892. and my husband went west in  
October 1892. and when he returned he  
came by here and informed me he had  
procured a divorce in Indian Territory.

6 Q.

Has he ever lived with you since  
he left?

ans- No Sir.

7 Q.

Was there any issue born of this marriage?

ans-

One child, a girl named Marguerite Emmette  
Bailey and will be 3 years old 3<sup>rd</sup> Sept 1895

8 Q.

Has your husband contributed anything  
for her support?

ans Only about 75

9 Q.

What is the moral character of your  
husband?



Ans: He is a Drunken Man, and frequently  
use profane language in my presence  
and further this deponent saith  
not.

Sallie Ann Bailey.

Virginia: In The County town of  
I Mrs Mathews, a Notary Public man  
for the County and State aforesaid:  
do certify that the foregoing deposition  
was taken, sworn to & subscribed before  
me at the time and place and for  
the purposes mentioned in the Caption  
Given under my hand the 1<sup>st</sup> day of June 1895  
J<sup>ms</sup> Mathews, N.P.



Sarah Ann Bailey

2 Reposition

10 of S A Bailey

John S Bailey

Received from Jm S  
Mathews the Notary  
before whom Taken and  
filed June the 3rd 1895  
J B Munsey Clerk



The depositions of P. H. Barron and others taken before W. S. Mathews, a Notary Public, in and for Wise County Va., at the Office of Mathews & Maynor, in the town of Big Stone Gap on the 1st day of June 1895, to be read as evidence in behalf of the Plaintiff in a certain suit in Chancery pending in the Circuit Court of Lee County Va., wherein Sallie Ann Bailey, Plaintiff, and John S. Bailey is Defendant, pursuant to an Order of Publication in said cause.

P. H. Barron a witness of lawful age being first duly sworn deposes and says:

Q. 1. Please state your name, age, occupation and place of residence; and whether or not you are acquainted with the parties in this suit?

Ans. P. H. Barron, age 22 years old, occupation Clerk, residence, Big Stone Gap, Va. and I am familiar with the parties to this suit, being a brother of the plaintiff.

Q. 2. State if you know the time when plaintiff and defendant were married, and when the plaintiff moved to the County of Lee?

Ans. They were married about 15th July 1891, and I think plaintiff moved to Lee County in March 1892, and was living there when the defendant voluntarily abandoned and deserted her about May the 1st 1892 going west. I have since been informed that the defendant obtained a divorce in the Indian Territory; the defendant has never lived with the defendant since May 1st 1892.

Q. 3. How many children if any were born of this marriage?

Ans. One girl child named Margaret Janett, which is about two and one half years old.



Q. 4. From what you know of the general reputation and character of the defendant is he such a man as should be intrusted with the care and education of a female infant?

Ans. No Sir. I think not. He has a general reputation as a drinking swearing man and one who runs after bad women.

Q. 5. Please state where the plaintiff was living at the time this suit was instituted?

Ans. Turkey Cove, Lee County, Va.

Further this deponent saith not.

R. P. Barron.

R. P. Barron another witness of lawful age being first duly sworn deposes as follows:

Q. 1. Please state your name, age, occupation and place of residence?

Ans. 27 years old, R. P. Barron, occupation a Butcher, residence Big Stone Gap, Va., and I am a brother of the plaintiff.

Q. 2. Please state date of the marriage of the plaintiff and defendant?

Ans. About July 15th 1891.

Q. 3. Please state whether or not plaintiff and defendant are now living together as man and wife, and if not, state if you know why not?

Ans. They are not, and have not been living together since May 1st 1892, at which time the defendant willfully abandoned and deserted plaintiff and went west and on the \_\_\_\_ day of \_\_\_\_ 189\_\_ in the \_\_\_\_ Court of \_\_\_\_ County,



in the Indian Territory the said defendant obtained a divorce from the plaintiff a copy of which ~~is filed herewith~~ Decree is filed herewith as a part of my deposition marked as "Exhibit A."

Q. 4. Where was the plaintiff living at the institution of this suit?

Ans. She was living in Lee County, Va.

Q. 5. Has plaintiff and defendant lived together since they separated in 1892?

No Sir. They have not.

Further this deponent saith not.

R. P. Barron

Virginia, Wise County, to-wit:

I, W. S. Mathews, A Notary Public in and for the county and state aforesaid, do certify that the foregoing depositions were taken, sworn to and subscribed before me at the time and place and for the purposes in the caption mentioned.

Given under my hand this 1st day of June 1895.

W. S. Mathews N. P.



Samuel A. Bailey

Deposition  
of  
J. H. Barron  
E. P. Barron

S. A. Bailey

Received from J. H. S.  
Mathews the Notary  
Public before whom  
taken & filed June  
the 3rd 1898  
A. B. Munnery Clerk



Virginia: In Lee County, to-wit:

I John Riddle, a justice of the peace in and for the county and State aforesaid do certify that *J. A. Bailey*

This day personally appeared before me in my county aforesaid

and made oath that *J. S.* Bailey, against whom Sallie A.

Bailey is about to institute a suit in chancery in the circuit court of Lee County, is a non-resident of this commonwealth.

Given under my hand this <sup>th</sup>12 day of January 1893.

*John Riddle* J.P. ~~John Riddle~~



Sallie A. Bailey by

3 Affidavit

I John Riddle, Justice of the Peace in and for the county and

J. S. Bailey

State of Missouri do hereby certify that this day personally appeared before me in my county aforesaid

and made oath to the truth of the foregoing, which Sallie A.

Bailey is about to institute a suit in chancery in the circuit co

court of Lee County, is a non-resident of this commonwealth.

Given under my hand this 1st day of January 1893.

J.P.



Mathews &amp; Maynor,

Attorneys-at-Law,

Law Offices Nickels Building, Wood Avenue

vs.

Big Stone Gap, Va. Feb 15 1893.

Mr. J. A. H. H. H.

Dr. Sir:

Please enclosed find  
 Bill of Plaintiff in case of  
 Bully vs Bailey which please  
 mark fees

Yours truly  
 W. S. Mathews



IN THE CLERK'S OFFICE of the Circuit  
Court of the County of Lee, on the 20th  
day of January, 1893.

Sallie A. Bailey, who sues by her next  
friend, J. P. Barron, Plaintiff, against  
J. S. Bailey, Defendant—In Chancery.

The object of this suit is to obtain a  
decree of divorce dissolving the bonds  
existing between the Plaintiff and the  
Defendant, and to obtain a decree giving  
the care and custody of the infant child,  
the fruit of said marriage, to the plain-  
tiff. And an affidavit having been made  
and filed that the defendant J. S. Bailey  
is not a resident of the State of Virginia,  
it is ordered that he do appear here,  
within fifteen days after due publication  
hereof, and do what may be necessary to  
protect his interest in this suit. A copy,  
Teste: J. A. G. HYATT, Clerk.

DUNCAN, MATHEWS & MANOR, p. q.



For The First Coin  
s limited, and time must enhance their

Ornith's Feb \$5.00

VIRGINIA, Lee County, To wit: I  
Geo. C. Coleman, editor and publisher  
of the LEE COUNTY REPUBLICAN, a news-  
paper, printed in the town of Jonesville,  
in the county of Lee, Virginia, do here-  
by certify that the foregoing order of  
publication was duly published in said  
paper for four successive weeks, from  
and after the 19<sup>th</sup> day of Jan<sup>y</sup>.....  
189<sup>8</sup> Ending on the 2<sup>nd</sup> day of Feb<sup>r</sup>..  
..... 189<sup>8</sup>.

Geo. C. Coleman,

Editor and Publisher.



Sallis A. Bailey by

3 Printers  
vs 3 Certificate

J. S. Bailey

---

Filed Feb 2<sup>nd</sup> 1893.

J. A. Hyatt C

This fee 5¢

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I certify that I  
posted a copy of  
this order at  
the front of the Court  
house door on  
the first day of  
January term of  
the County Court  
for year 1893.

J. A. Hyatt